

NOT FOR PUBLICATION

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

WALLACE ATHILL,

Plaintiff,

Civil Action No. 06-4941(SDW)

v.

JERRY SPEZIALE,
ET AL.,

ORDER

Defendants.

June 30, 2009

WIGENTON, District Judge

Before the Court is a Motion for Summary Judgment filed pursuant to Federal Rule of Civil Procedure 56 by Passaic County Sheriff Jerry Speziale, Passaic County Jail Deputy Warden Brian Bendl, an Unknown Sergeant, and Special Operations Response Team Officers (collectively “Defendants”). The Motion seeks to dismiss Wallace Athill’s (“Plaintiff”) 42 U.S.C. § 1983 claims, which assert that Plaintiff’s constitutional rights were violated as a result of a raid conducted at the Passaic County Jail.

For the reasons stated in the accompanying Opinion, the Motion is granted in part and denied in part.

Trial is hereby set for Tuesday, August 11, 2009. Defendants are hereby directed to have Plaintiff produced on that date for trial.

SO ORDERED.

S/SUSAN D. WIGENTON, U.S.D.J.

cc: Madeline Cox Arleo, U.S.M.J.